



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/710,856

08/08/2004

David Bogart Dort

VRBA.P016.A

7980

37578

7590

04/11/2008

VRBIA, INC.

David Dort

Box 26219

Crystal City Station

Arlington, VA 22215

EXAMINER

FERTIG, BRIAN E

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

04/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,856	Applicant(s) DORT, DAVID BOGART	
	Examiner BRIAN FERTIG	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 2 and 4 are objected to because of the following informalities.

Appropriate correction is required.

With respect to claim 1

This claim recites said outside asset, which finds no antecedent basis within the claims. It is assumed, for purposes of examination below to be said outside asset. This claim also recites 'an exchange module capable of capable of'. It is assumed that the second recitation of 'capable of' was unintended and is not given any patentable weight for the purposes of examination below.

With respect to claim 2

This claim recites 'said electronic first asset set catalog' which finds no clear antecedent basis in the claims. For the purposes of examination below it is assumed that 'said electronic first asset set catalog' finds its basis in the result produced by cataloging a first set of one or more assets.

With respect to claim 4

This claim recites 'The method as recited in claim 1' Note that claim 1, recites a system. For the purposes of examination below, it is assumed that applicant intends claim 4 to depend from claim 1 and that applicant intended to recite 'the system as recited in claim 1'.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 13

This claim recites 'said data', but such a recitation is unclear as to whether it is meant to rely on 'first data that represents assets', 'second data representational of outside assets', a combination of these, or whether a third new set of data is intended. The specification provides no guidance as it does not contain a description of the 'verification structure' to which the claim directs its limitation. As such, no reasonable assumption can be made as to the meaning of 'said data', rendering the claim indefinite. Because no reasonable assumption as to the meaning can be made, the claim cannot be treated further on the merits.

With respect to claim 14-16

These claims are rejected for incorporating the subject matter rejected above and are also not further treated on the merits below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3694

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Patent Application Publication 2002/0052788 for Perkes (Perkes).

With respect to claim 1

Perkes teaches:

A system implemented by one or more computational devices for
conducting a transaction over a network comprising:

a data storage device (i.e. database), said data storage
device including electronic representations of at least one set of
owned assets' (i.e. digital coupons, pay-per-view content) said at
least one set of owned assets including assets other than currency
(see par 6, 25, and 34) ;

a module executing a set of instructions to map an outside
asset or commodity (i.e. content) to said at least one set of owned
assets (see par 34, note that the content is mapped to the coupon
is so far as a credit/coupon cost for the viewing of the content is
maintained);

an operative connection (i.e. Internet, see par 25) to both a
first electronic agent (i.e. participating retailer appliance, see par
25) looking to dispose of said outside asset and a second
electronic agent (i.e. user appliance, see par 25) looking to secure

said outside asset or commodity in exchange for an exchange module (i.e. User operation script) capable of capable of securing a transition of said outside asset or commodity, by providing at least a portion of said at least one set of owned assets as security for said exchange (see par 34), wherein said exchange module obtains approval from said second electronic agent via said network to use said at least one set of owned assets as security for said exchange, before said exchange occurs (see par 34, 44 and 47, note that participating retailer confirms the users expenditure of coupons).

With respect to claim 2

Perkes teaches:

A method for investment comprising the steps of:

cataloging a first set of one or more assets and configuring said catalog into electronic form (i.e. cataloging coupons earned in Sponsor's database, see par 24);

allowing said electronic first asset set catalog to be inspected over a network (i.e. displaying current amount of coupons in status bar, see par 34);

when selected, linking a second set of assets (i.e. pay-per-view content) represented in electronic form to said first set, such that the owner of said second set of assets has correlated the value

of said second set of assets to said first set of assets with a normalization constant (see par 34, note that participating retailer sets cost of viewing pay-per-view content).

With respect to claim 3

Perkes teaches:

The method as recited in claim 2 (see rejection of claim 2 above) wherein said first set of assets and said second said of assets are not currency (i.e. digital coupons and pay-per-view content, see par 6 and 34).

With respect to claim 4

Perkes teaches:

The method as recited in claim 1 (see rejection of claim 1 above) wherein said at least one set of owned assets is not currency. (i.e. digital coupons, pay-per-view content, see par 6 and 34)

With respect to claim 5

Perkes teaches:

The method as recited in claim 2 (see rejection of claim 2 above) further including the step of correlating said first set of assets and said second set of assets to a reference value. (see par 34, note that the content is mapped to the coupon is so far as a credit/coupon cost for the viewing of the content is maintained)

With respect to claim 6

Perkes teaches:

The method as recited in claim 5 (see rejection of claim 5 above) wherein said reference value is not currency-tied. (see par 34, note that the cost is specified in terms of coupons)

With respect to claim 7

Perkes teaches:

The method as recited in claim 5 (see rejection of claim 5 above) wherein said reference value is located on the same host system that includes access to said second set of assets (see par 25, note that both a single server and multiple servers are envisioned).

With respect to claim 8

Perkes teaches:

The method as recited in claim 5 (see rejection of claim 5 above) wherein said reference value is not located on the same host system that includes access to said second set of assets. (see par 25, note that both a single server and multiple servers are envisioned).

With respect to claim 9

Perkes teaches:

An improved transaction and investment system including:

a computational device (i.e. Appliances, see par 25) linked to a network (i.e. computer network, see par 25) through a screening system, said screening system including at least one CPU and

implementing an executable screening program (i.e. Appliance in combination with program software, see par 33);

electronic data storage configured to store first data that represents assets (i.e. database, see par 25);

a verification structure implemented with a computer and connected to a network that is configured to verify the existence and identification of said assets represented by said first data (i.e. Program Sponsor's server, see par 42, note the server stores the balance of coupons);

wherein said computational device loads said first data representational of said assets in response to a request received over said network and through said screening system (i.e. appliance in combination with program software loads coupon balance for display on status bar, see par 33-34) and correlates said first data representational of assets to second data representational of outside assets and said verification structure confirms that both said sets of data are properly correlated to said respective assets (i.e. the coupon cost relates the coupons to the pay-per-view content, see par 34).

With respect to claim 10

Perkes teaches:

The transactional and investment system as recited in claim 9 (see rejection of claim 9 above), wherein said data representative of assets consists of sets of individually owned assets (see par 30-31, note that the coupons may be earned by individuals).

With respect to claim 11

Perkes teaches:

The transactional and investment system as recited in claim 9 (see rejection of claim 9 above), wherein said data representative of assets consists of individually owned asset sets and combinations of said sets (see par 30-31, note that both individual accounts and sub accounts are taught).

With respect to claim 12

Perkes teaches:

The transactional and investment system as recited in claim 9 (see rejection of claim 9 above), wherein said data representative of assets consists of combinations of individually owned asset sets (see par 30-31, note that both individual accounts and sub accounts are taught).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3694

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes in view of US Patent 5,878,138 to Yacobi (Yacobi).

With respect to claim 17

Perkes teaches:

The transactional and investment system as recited in claim 9 (see rejection of claim 9 above), but does not explicitly teach wherein said first data includes an identifier that uniquely corresponds to a single asset.

Yacobi teaches:

wherein said first data includes an identifier that uniquely corresponds to a single asset (see col 5, lines 3-15, note that a unique certificate is issued to each user, that each asset is signed by the issuer, and that the assets are not transferable. Note further that the signature applied to each asset uniquely identifies the asset to the extent that it may only be used a single user and is non-transferable.).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have provided the electronic coupons and program software Perkes with the signature, non-transferable, and fraud detection features taught by Yacobi in order to authenticate the funds, prevent transfer of the funds between users, and prevent fraud as taught explicitly by Yacobi (see col 5, lines 44-56, col 6, lines 15-20)

With respect to claim 18

Perkes in view of Yacobi teaches:

The transactional and investment system as recited in claim 17 (see rejection of claim 17 above), wherein said verification system is configured to notify said computational system if an asset has been improperly used (see Yacobi col 6, lines 15-41).

(see rationale supporting obviousness and motivation to combine of claim 17 above)

With respect to claim 19

Perkes in vies of Yacobi teaches:

The transactional and investment system as recited in claim 18 (see rejection of claim 18 above), wherein said misuse includes a second identification of said asset (i.e. double spending, see Yacobi col 6, lines 25-27).

(see rationale supporting obviousness and motivation to combine of claim 17 above)

With respect to claim 20

Perkes teaches:

The transactional and investment system as recited in claim 9 (see rejection of claim 9 above), but does not explicitly teach wherein said first data representative of assets is located on a solid-state storage device.

Yacobi teaches:

wherein said first data representative of assets is located on a solid-state storage device (see col 5, lines 17-28).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have provided Perkes with the teaching of an electronic wallet stored on a smart card in order to provide user with a device that is small and portable as taught explicitly by Perkes, see col 5, lines 17-18)

With respect to claim 21

Perkes in view of Yacobi teaches:

The transactional and investment system as recited in claim 20 (see rejection of claim 20 above), wherein said first data is only accessible if a member has their solid-state storage device placed into a specialty networked device (i.e. ATM) operatively connected to said computational device (see Yacobi col 5, lines 29-56, note that the transactions involves downloading the electronic assets from the electronic wallet to the recipient. As such, suggestion of an ATM fairly suggests that the solid state device containing the electronic wallet be inserted into the specialty network device)

(see rationale supporting obviousness and motivation to combine of claim 20 above)

With respect to claim 22

Perkes in view of Yacobi teaches:

Art Unit: 3694

The transactional and investment system as recited in claim 21 (see rejection co claim 21 above), wherein said system includes multiple specialty networked devices (see Yacobi col 5, lines 29-43, note that the suggestion of an ATM connected to an ATM netowrk fairly suggests multiple specialty networked devices. See also Perkes par 25 teaching multiple Appliances).

(see rationale supporting obviousness and motivation to combine of claim 20 above)

With respect to claim 23

Perkes in view of Yacobi teaches:

The transactional and investment system as recited in claim 21 (see rejection of claim 21 above), wherein said specialty networked device is a kiosk with ports for said solid-state device (see Yacobi col 5, lines 29-43, note that the suggestion of an ATM connected to an ATM netowrk fairly suggests a kiosk with ports.).

(see rationale supporting obviousness and motivation to combine of claim 20 above)

With respect to claim 24

Perkes in view of Yacobi teaches:

The transactional and investment system as recited in claim 20 (see rejection of claim 20 above), wherein at least part of the memory of said solid-state storage device cannot be rewritten once said first data

representation has been loaded into said memory (i.e. ROM, see Yacobi col 8, lines 39-49).

(see rationale supporting obviousness and motivation to combine of claim 20 above)

With respect to claim 26

Perkes in view of Yacobi teaches:

The transactional and investment system as recited in claim 9 (see rejection of claim 9 above), wherein said first data representative of assets is located on an application specific integrated circuit with a reduced instruction set processor (i.e. IC, see Yacobi col 8, lines 39-49, note that the rudimentary nature of the IC implementation fairly suggests a reduced instruction set processor. Note further that all processors have a reduced instruction set to the extent that no single processor is designed to process every possible instruction set. For example, a compiler is necessary to translate computer programs into the limited set of instructions understood by the processor for which the compiler is designed).

(see rationale supporting obviousness and motivation to combine of claim 20 above)

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes in view of Yacobi and in further view of US Patent 5,499,295 to Cooper (Cooper).

With respect to claim 25

Perkes in view of Yacobi teaches:

The transactional and investment system as recited in claim 21 (see rejection of claim 21 above), but does not explicitly teach wherein said solid-state storage device cannot be accessed if said least at non-writeable part of said storage device is rewritten to

Cooper teaches:

wherein said solid-state storage device cannot be accessed if said least at non- writeable part of said storage device is rewritten to (see col 9, lines 54-col 10, line 7, note that if the features are updated without authorization, the cecksum will fail)

It would have been obvious to one having ordinary skill at the time of applicant's invention to have provided the ROM taught by Yacobi with the ROM checksum feature taught by Cooper in order to prevent unauthorized program changes as taught explicitly by Cooper (see col 9, line 67-col 10, line 1)

Inquiry

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone

Art Unit: 3694

number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/
Primary Examiner, Art Unit 3694